

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

RICKY PATTERSON, #B79037,)
vs.)
Plaintiff,)
vs.) Case No. 17-1067-MJR-SCW
BUCKLES, et al.,)
Defendants.)

ANSWER AND AFFIRMATIVE DEFENSES

NOW COME the Defendants, COLE BUCKLES (listed as "Buckles") and MARK SUMMERS (listed as "Summer"), by and through their attorney, LISA MADIGAN, Attorney General of the State of Illinois, and for their Answer and Affirmative Defenses to Plaintiff's Complaint [d/e 1], state as follows:

I. JURISDICTION

Plaintiff: Ricky Patterson

A. Plaintiff's mailing address, register number, and present place of confinement. 10930 LAWRENCE, RD 2
SUMNER, ILLINOIS, 62466
Reg# TB79037
LAWRENCE, CORRECTIONAL CENTER

RESPONSE: Defendants admit that Plaintiff was formerly an inmate at Lawrence Correctional Center.

Defendant #1:

B. Defendant D. Johnson #7275 is employed as
(a) (Name of First Defendant)
Correctional Officer
(b) (Position/Title)
with LAWRENCE CORRECTIONAL CENTER
(c) (Employer's Name and Address)
10930 LAWRENCE ROAD, SUMMER III, 62466

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? Yes No

If your answer is YES, briefly explain: *WORKING AS % THAT RAN*
HOLDING UNIT 1-C IN NOV-2016 -&- 8-B IN APRIL-JULY
2017 ON THE 7-3 SHIFT.

RESPONSE: Defendants admit that Defendant Johnson was employed by the Illinois Department of Corrections at Lawrence Correctional Center. The Court severed the claims against Defendant Johnson in its merit review. (Court Doc. 13).

Defendant #2:

C. Defendant WARDEN LAMB is employed as

(Name of Second Defendant)

Chief Administrative Officer

(Position/Title)

with (I.D.O.C.) Lawrence Correctional Center

(Employer's Name and Address)

10930 Lawrence Road, Sumner, Illinois, 62466

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? Yes No

If you answer is YES, briefly explain:

Chief Executive/Administrative officer
Makes policy - Finalizes Disciplinary Decisions
Answers Emergency grievances

RESPONSE: Defendants admit that Nicholas Lamb has served as the Warden and Chief Administrative Officer at Lawrence Correctional Center. All claims against Mr. Lamb were dismissed by the court in its merit review. (Court Doc. 13).

Additional Defendant(s) (if any):

D. Using the outline set forth above, identify any additional Defendant(s).

Lieutenant M. McCarthy

Lieutenant

LAWRENCE CORRECTIONAL CENTER

10930 LAWRENCE ROAD, SUMNER, ILL, 62466

Yes

Over sees Housing Unit(s) -§- Correctional Officers

RESPONSE: Defendants admit that M. McCarthy has been employed at Lawrence Correctional Center. The claims against M. McCarthy were dismissed by the court in its merit review. (Court Doc. 13).

DEFENDANTS

E.) Sergeant Casburn #10828

Sergeant

LAWRENCE CORRECTIONAL CENTER

10930 LAWRENCE ROAD, SUMNER, ILL, 62466

Yes

Sergeant of Segregation At time of violation

RESPONSE: Defendants admit that Sergeant Casburn has been employed at Lawrence Correctional Center. All claims against Sergeant Casburn were dismissed by the court in its merit review. (Court Doc. 13).

F.) Lieutenant L. McCarthy
Lieutenant
LAWRENCE CORRECTIONAL CENTER
10930 LAWRENCE ROAD, SUMNER, ILL, 62466
Yes
Over see's Housing Unit(s) -&- Correctional Officers

RESPONSE: Defendants admit that Defendant Lieutenant L. McCarthy has been employed at Lawrence Correctional Center. All claims against Defendant L. McCarthy were severed by the court in its merit review. (Court Doc. 13).

G.) Lieutenant Steberr #12571
(shift Commander-Lieutenant)
LAWRENCE CORRECTIONAL CENTER
10930 LAWRENCE ROAD, SUMNER, ILL, 62466
Yes
Over see's entire shift/staff

RESPONSE: Defendants admit that Lieutenant Steberr has been employed at Lawrence Correctional Center in the past. All claims against Lieutenant Steberr were severed by the Court in its merit review. (Court Doc. 13).

H.) L.T Henton #10195
Lieutenant / Adjustment Committee
LAWRENCE C. C.
2A.
10930 LAWRENCE RD, SUMNER, ILL, 62466 (Yes)
Has Main Administration/Visitation/Visa Unit

RESPONSE: Defendants admit that Lieutenant Henton has been employed at Lawrence Correctional Center. All claims against Lieutenant Henton were severed by the Court in its merit review. (Court Doc. 13).

I.) E. Cooper

Correction Officer / Adjustment Committee

LAWRENCE C.C.

10930 LAWRENCE RD, SUMNER, ILL 62466 (Yes)

Hears Major ticket / Disciplinary

RESPONSE: Defendants admit that Officer Cooper has been employed at Lawrence Correctional Center. All claims against Officer Cooper were severed by the Court in its merit review. (Court Doc. 13).

J.) Goodrum

Correctional Officer

LAWRENCE C.C.

10930, LAWRENCE RD, SUMNER, ILL 62466 (Yes)

Working As % in 8-B-UNIT ON 3-11 shift

RESPONSE: Defendants admit that Officer Goodrum has been employed at Lawrence Correctional Center. All claims against Officer Goodrum were dismissed by the Court in its merit review. (Court Doc. 13).

K.) Buckles #5031

Correctional Officer

LAWRENCE C. C.

10930, LAWRENCE RD, SUMNER, ILL 62466 (Yes)

Working As % in 6 Hous on 3-11 shift

RESPONSE: Defendants admit the allegations in paragraph K.

L.) Summer - ex- Summers

Correctional Officer

LAWRENCE C.C.

10930, LAWRENCE RD, SUMMER, ILL, 62466 (Yes)

Working as % in 6-House on 3/11 shift

RESPONSE: Defendants admit that Defendant Summers is a correctional officer at Lawrence Correctional Officer and he formerly worked the 3-11 shift.

M.) Givens # 6092

Correctional Officer / Ticket Investigator

J.B.

LAWRENCE C.C.

10930, LAWRENCE RD, SUMMER ILL, 62466 (Yes)

To investigate charges & to reveal results to Adjustment

RESPONSE: Defendants admit that Officer Givens has been employed at Lawrence Correctional Center. All claims against Officer Givens were severed by the Court in its merit review. (Court Doc. 13).

N.) I.D.O.C Director J. Baldwin

Director of I.D.O.C

P.O. Box 19277, Springfield, ILL, 62794-9277 (Yes)

Over Sees Entire I.D.O.C, creates Policy /enforces policy

RESPONSE: Defendants admit that John Baldwin is the acting director of the Illinois Department of Corrections. All claims against Acting Director Baldwin were dismissed by the Court in its merit review. (Court Doc. 13).

D.) Dave White
Administrative Review Board
P.O. Box 19277, Springfield, Ill, 62794-9277 (Yes)
Response to inmate Appeals on grievances

RESPONSE: Defendants admit that Dave White is a member of the Administrative Review Board. All claims against Mr. White were dismissed by the Court in its merit review. (Court Doc. 13).

P.) Counselor Ray
Counselor
LAWRENCE C. C.
10930 LAWRENCE RD, SUMNER, ILL, 62466
Help inmates resolve issues

RESPONSE: Defendants admit that there is a counselor with the last name Ray employed at Lawrence Correctional Center. All claims against Mr. Ray were dismissed by the Court in its merit review. (Court Doc. 13).

II. PREVIOUS LAWSUITS

A. Have you begun any other lawsuits in state or federal court relating to your imprisonment? Yes No

B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline. Failure to comply with this provision may result in summary denial of your complaint.

1. Parties to previous lawsuits:

Plaintiff(s): Patterson

Defendant(s): Wexford Health Sources Inc et al

2. Court (if federal court, name of the district; if state court, name of the county): U.S. District Court Northern District/Eastern Division

3. Docket number: 13C1501

4. Name of Judge to whom case was assigned: Judge Zobel

5. Type of case (for example: Was it a habeas corpus or civil rights action?): Civil Rights Action

6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?): HALF settled (defendants)
HALF pending (defendants have not closed settlement)

7. Approximate date of filing lawsuit: 2013

8. Approximate date of disposition: 2015

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph II.

II. B.

1.) Parties to previous lawsuit:

PATTERSON

v.

Blagovich et, al;

2.) Name of Court:

U.S. District Court Northern District - Eastern Division

3.) Docket number: 11C 1658

4.) Name of Judge: Judge Zagel

5.) Type of Case: Civil Rights (Price gouging)
over-charging

6.) Disposition of Case: Dismissed

7.) Approx filing: 2011

8.) Approx date of disposition: 2012

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph II. B.

III. GRIEVANCE PROCEDURE

A. Is there a prisoner grievance procedure in the institution? Yes No

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes No

C. If your answer is YES,

1. What steps did you take?

Sent NON-emergency grievances to counselor (the ones that were not lost on the counselor level - were sent to the grievance office where they have not been replied to. Emergency grievances were sent directly to Warden Lamb...

2. What was the result?

The grievance process in Lawrence is broken. There is no appointed grievance officer. Grievances disappear on regular basis, as counselors, wardens either refuse to answer grievances or investigate the issue

RESPONSE: Defendants admit that there is a grievance procedure at Lawrence Correctional Center. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph III.

IV. STATEMENT OF CLAIM:

The following paragraph will show how plaintiff was subjected to - or had his constitutional rights to be protected from -
Cruel & Unusual punishment Eighth Amend. (grossly inflictedutive punishment)
First Amendment (opening privileged mail & confiscating contents) -
Deliberate indifference (As officials refused/failed to provide remedy after being properly informed) - & Due Process U.S. Const XIV Amend. violated by the defendants.

RESPONSE: Defendants deny violating Plaintiff's rights whatsoever.

1.

1.) I arrived in Lawrence from StateVille on 11-4-16 (transferred due to good behavior/Govi -&- Weapon Free). I was in the middle of both my criminal appeal -&- civil issue. So legal transcripts - books -&- documents made up most of my property. The %'s here have constantly commented on this pointing me out to their co-workers. Saying "he'll sue you" - "There's a Free Vacation" -&- "Judge Judge", all to get a rise out of me. I ignored this but in late Nov - my legal mail started being handed to me opened -&- read. Inspite of it clearly being stamped (Privileged Mail) ... This is directly against 20 Ill. Admin. Code CH I. 701.180 Mail Procedure. As (f.) clearly states... - Privileged mail (shall) be opened in the presence of the detainee. I wrote three grievances on this issue only to have none them returned by the 6-House Counselor.

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 1.

2.

0 In late Dec-2016 I received several judge -&- attorney calls. Every time I exited these calls I would be met by some ill comment by a 6 house % in the bubble, who often would refuse to let me back on the wing unless I told him who I just spoke to. I've also written grievances on this but as of the day of filing this claim - I have not heard anything on these grievances nor received my requested copy. As it is the unwritten practice/policy of Lawrence to hold on to inmate grievances to discourage inmates from writing them. By Christmas my legal situation had picked up -&- my attorney at the time J. Bonjean out of New York sent me legal documents that needed to be Notarized -&- signed, then returned back to her before the approaching court date

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 2.

3.

However do to the way the system is set up in Lawrence inmates have to put open request slips in a box. Then the L.T. will go over it -&- send it where it goes. (This sounds correct on it's face - but when the L.T. refuses to send in request writes are denied privileges.) As is the case here -&- with the approaching court date -&- needed notarized forms my attorney had to call the prison in order to get me access to a notary. Due to the C's -&- L.T. directly disposing of my request slips -&- denying me legal access. On Dec 23-2016 I was sent to the

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law library -&- had the needed forms notarized/copied. That Monday Dec 26, 2016, I placed those documents in the institutional mail to my attorney properly addressed/postage. THAT MAIL NEVER MADE IT TO MY ATTORNEY. Forcing two extra court dates in Federal Court (Judges calls here in the institution).

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 3.

4.

In the first week of January I received an attorney call followed by judges call the next day. That night on 3/11 shift %Buckles#5031 came to my door again with opened privileged mail from my attorney. When I asked him why he opened my mail he stated "we gone make sure you don't see nobody here" ... We exchanged words -&- he moved on. Later that night when they ran chow %Buckles#5031 opened the door wide open -&- asked if I still had an issue. This is unusual because the L.T. -&- %'s stand at the back of the wing -&- herd people out the door. Not in the middle where 6-R-L-10 is located. I said nothing to %Buckles -&- did not go to chow to avoid the situation; as it was clearly a move of intimidation -or- attempt to.

RESPONSE: Defendant Buckels admits that he usually works the 3-11 shift and brought inmates legal mail. Defendant Buckels denies the remaining allegations in paragraph 4. Defendant Summers lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 4.

5.

Approximately 3-4 days later I received a ticket dated 4/10/17. For a 307 charge. "Unauthorized Movement" stating I was in the dayroom during upper decks day room (As if I broke out the cell.) This ticket was written by %Buckles 5031 in an effort to bring disciplinary actions against me since he could not provoke a physical reaction from me. If it were not for my receipt having the time on it proving I was in the commissary at the time - worse case scenario - I could have been charged with an escape... Do to receipt ticket was expunged. (SEE EX. C. FINAL Summary Report MR. JOSHUA B. SUMMERS -Chair Person)

RESPONSE: Defendant Buckels admits that he wrote Plaintiff a disciplinary ticket that was later expunged. Defendant Buckels denies that he wrote the ticket because "he could not provoke a physical reaction from [Plaintiff.]" Defendant Buckels lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 5. Defendant Summers lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 5.

6.

Once it was clear I would be cleared of this ticket. As I showed the major my receipt (SEE EX A.), over the next two days whenever the L.T.-s & % on the 3-11 shift ran chow they would come & stand in front of my cell - open the door wide, but say nothing. This is highly unusual because (1) L.T.-s start in the back of the wing & slowly work their forward locking doors & pushing everyone toward the hall. (2) LT. %'s Do-Not open cell doors it's up to the INMATE to catch the door when it's buzzed if going to chow...

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 6.

7.

On Jan-12-2017 I was again written a "false ticket (fraudulent) this time for :102: Assulting Any Person -&- :206: Intimidation or threat Where Lt. A. Steberr #12571 claimed I squeezed his biceps, prevented him from moving his arms -&- then shoved him. This was suppose to have happened after on 1-12-17 on the (Same 3-11 shift) % Summer -or- Summers came to my cell with legal mail from the Fourth District Appellate Court. As I signed the legal mail receipt (to prove I got said mail) % Summer went through the envelope taking a key part of the enclosed documents

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and a self addressed envelope from the Appellate Court. When I asked him what was he doing he said I could not have the envelope (and do to default the documents.) I tried to point out to him that the Appellate Court gave me strict directions to sign the documents he kept -&- return them at once. I literally let him READ THE PARAGRAPH (SEE EX-B LETTER From Appellate Court.) Yet he still took the transcripts. At once I requested a L.T. -&- about 10-15 min- later % (tall gray hair and heavyset w/middle aged) opened the door to the cell -&- explained why I couldn't have the envelope. But he totally ignored the real issue, the documents - transcripts that were sent by the court. He told me if I still had an issue to speak to the L.T. when they ran down -&- that the L.T. was aware of the problem.

RESPONSE: Defendant Summers admits to opening Plaintiff's legal mail in front of him and removing the self-addressed envelope that was contained inside of it. Defendant Summers denies removing anything else. Defendant Summers lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations contained in paragraph 7. Defendant Buckels lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 7. The court severed the claims involving Defendant Steberr in its merit review. (Court Doc. 13).

8.

About 15-20 min later L.T. Stibbs #12571 came to run chow -&- I tried to speak to him. He told me he was busy -&- to wait. When I tried to follow him, I was stopped by the two %'s. When L.T. Stibbs #12571 came from the back I tried to show him the paper from the Appellate Court. He turn started shouting "I ALREADY KNOW WHAT YOU WANT AND YOU CAN'T HAVE IT" ... I turn underlined the sentence of the Appellate court (SEE EX B.) -&- with paper in one hand, pen in the other tried to explain to L.T. Stibbs that I needed the documents/transcripts not the envelope

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 8. The Court severed these claims in its merit review. (Court Doc. 13).

9.

He turn started yelling as loud as he could -&- waving his arms in the air -&- shouting. When I did not move he stepped forward -&- hand into me. ^{NOTE: I WAS HOLDING ON TO MY PEN IN ONE} hand -&- the letter from the Appellate Court in the other ^{NOTE: I WAS HOLDING ON TO MY PEN IN ONE} — So how could I be squeezing biceps -&- holding down ACMS —

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 9. The Court severed these claims in its merit review. (Court Doc. 13).

10.

With L.T. Stibb #12571 in my face yelling -&- counting I turned -&- walked back to the cell. When my back was turned L.T. Stibb grabbed my arm -&- he -&- the two %'s walked me to segregation without incident. A REVIEW OF the surveillance video will prove EXACTLY WHAT I AM CLAIMING OCCURRED... (See video of G-house JAN-12-17 3-11 shift.)

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 10. The Court severed these claims in its merit review. (Court Doc. 13).

11.

I was then written a ticket belligerently -&- when I got the ticket I discovered I was not only charged with assault but also intimidation of threat. However this was not the end of the assault or the assault against my personal liberty.

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 11. The Court severed these claims in its merit review. (Court Doc. 13).

12.

On or about Jan 16, 2017 I heard the fraudulent ticket for the assault -&- intimidation of threat before L. T. Henton #10195 -&- C/o E. Cooper. Both men were in uniform -&- on duty. As L. T. Henton #10195 was in charge of the Segregation unit. Which is a direct

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a.) The Chief Administrative officer (shall) Appoint the Adjustment committee, which (shall) be composed of at least 2 members

1.) For Adults

(A.) A person Representing the counseling staff and;

(B.) At least one minority staff member

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 12. The Court severed these claims in its merit review. (Court Doc. 13).

13.

This mandatory rule/law clearly states (shall) be composed of at least 2 members -&- one (shall) be representing the counseling staff (impartial party)... SHALL = HAS A duty to -OR- more broadly is Required to (Black's Law Dictionary). So there is no getting around or waiving the impartial persons presence when hearing major ticket infractions. When L. T. Henton #10195 -&- C/o Cooper heard the Jan 12-2017 ticket for 102-5-206 on uniform -&- actively on duty - they disregarded the Administrative Directives - which is a common everyday practice in Lawrence - As grievances go UNANSWERED - disappear -OR- end up in the hands of staff -

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 13. The Court severed these claims in its merit review. (Court Doc. 13).

14.

Forcing me to write directly to the Administrative Review Board on March 3-2017 asking that an impartial party outside of Lawrence review the grievance -&- threats to my health/safety dated 1-24-17. As the grievance guide lines provide for such action if the issue is not resolved by the Chief Administrative Officer (Warden Lamb). Instead providing this impartial review or any ~~form~~ of relief Mr. David White of the A.R.B. rubber stamped the grievance inspite of it being marked emergency -&- having a reply from the (C.A.O) Warden Lamb. Mr. White overlooked the clear violation to my liberty -&- requested information that was already there (SEE EX C. Administrative Review Board Return of Grievance or Correspondence form) (SEE EX D. letter to Admin-Review Board.)

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 14. The Court severed these claims in its merit review. (Court Doc. 13). The court dismissed the claims against Mr. White in its merit review. (Court Doc. 13).

15.

The reason the Administrative Codes were established -&- upheld as law by I.D.O.C is not only to insure inmates received a fair hearing -&- impartial investigation. But also to secure fundamental fairness as 20 Ill ADMIN-CODE 504.70 (a) -&- 20 Ill ADMIN-CODE CH I Sec. 701.160 are there to insure prison officials CAN NOT take a prisoners liberty -or- property arbitrarily -&- that they must provide procedures that will prevent arbitrariness... When the Illinois legislative branch drafted the Admin-codes (504-701) with mandatory language such as (shall). They created a liberty interest that is protected under the U.S. Constitution.

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 15. The Court severed these claims in its merit review. (Court Doc. 13).

16.

These aforementioned codes have created a liberty interest that limits the discretion of the officials -&- when Warden Lamb

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signed off on the final report (summary report SEE EX-E) of L. J. Henton #10195 -&- 9% F. Cooper - Sentencing me to serve three months punitive segregation - three months C-grade - three months commissary restriction - three months loss of good time -&- Six months of contact visit restriction. He violated not only the deprivation of my liberty - but also failed to insure or afford me the proper procedures -&- due process mandated in the explicitly mandatory language found in the ~~law~~

20 ILL ADMIN CODE 504.70 -&- 20 ILL ADMIN CODE CH I Sec 701.160. These actions or the lack thereof have left me wrongfully reclassified as a "STAFF ASSAULTER". As the aforementioned disciplinary ruling has affected my eligibility for good time -&- other privileged -&- has collateral consequences of grossly undue punishment - unnecessary verbal abuse as well as physical abuse in the form of retaliation that will be clarified in paragraph #2 of this claim -&- the attached injunction...

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 16. The Court severed these claims in its merit review. (Court Doc. 13).

17,

I With the mandatory rules -&- language being ignored by Warden Lamb, & J. Henton #10195 & E. Cooper -&- David White (A.R.B.); the ticket hearing -&- it's decision for or against me are illegitimate ^{and} can not stand. As the adjust committee was composed of two correctional officers, eliminating the required impartial counseling staff / impartial person, as the language (SHALL) guarantees. Therefore any -&- all decisions regarding these charges must be expunged from my record. As 20 I/I ADMIN-CODE 504.80 Mandates the (impartial) adjustment committee, hearing (SHALL) be convened but not concluded in 14 days. (14 days has long past -&- the hearing wrongfully concluded.) Unlawfully as it was impartial with 2 96(3) hearing -&- rendering it's final decision on the same day. A decision devoid of due process -&- finalized by Warden Lamb on 1-17-17.

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 17. The Court severed these claims in its merit review. (Court Doc. 13). The court dismissed the claims against Warden Lamb and Mr. White in its merit review. (Court Doc. 13).

18.

To add insult to injury L. T. Stibbs#12571 came to the cell I was in Seg-B-L-3 on/about 1-21-17 on 3 to 11 shift -§- said "your going to Rott back here PATTERSON" -§- tossed my grievances regarding the 1-12-17 false staff assault -§- threat torn in half into the crack of the door. Forcing me to mail the grievances dated 1-24-17 -§- 1-25-17 (SEE EX F. -§- G.) directly to my family. Who in turn mailed them to the A.R.B.... who through a letter dated March 3-2017 I requested that the A.R.B review the emergency grievance impartially as there had been serious threats made to my health -§- as the officials at Lawrence refuse to follow established

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20 IN ADMIN CODE 504, Mr. Dave White was the person who responded for the (A.R.B.) unfortunately he refused/failed to provide any form of remedy as was in his power to do so.

•NOTE: Counselor Ray was removed from being the Segregation counselor for not responding to grievances -§- allowing inmate grievances to end up in the hands of staff...

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 18. The Court severed these claims in its merit review. (Court Doc. 13). The court dismissed the claims against Mr. White and Mr. Ray in its merit review. (Court Doc. 13).

19.

Also L. T. Stibbs#12571 is often the (shift Commander) so he operates with a cloak of immunity here in Lawrence.

RESPONSE: Defendants deny the allegations in paragraph 19. The Court severed these claims in its merit review. (Court Doc. 13).

20.

'Do to all of these actions or the lack thereof I fear for my safety & mental well being. As the officials here at Lawrence from Chief Administrative Officer Nicholas Lamb, (shift commander) L.T. Stibbitt #12571 - % Buckles #5031 - Lt. T. Henton #10195 - % E. Cooper - & several other L.T(s) - & %'s along with I.D.O.C Director John Baldwin - & A.R.B member David White, Have all played a roll in directly violating my constitutional rights by Subjecting me to cruel & unusual punishment - opening - & confiscating clearly marked privileged mail - Deliberately refusing to remedy said problems after being made aware. - Violating my due process - & Retaliating against me for exercising my protected right to the court - & grievance process..

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 20. (Court Doc. 13). The Court severed these claims in its merit review. The Court dismissed claims against Acting Director Balwin, Warden Lamb, and Mr. White in its merit review. (Court Doc. 13).

21.

'The due process violation did not stop there. As the adjustment committee hearing violated more than 20 ILL ADMIN CODE(s) 504.70 a.) - CH I. 701.160 H.) which guarantees major ticket hearing violations (shall) be before at least one minority - & one impartial person - which my ~~include a public~~ member.. They also violated 20 ILL ADMIN CODE(s) CH-I 504.60 - & 504.80 which occurred when hearing officer #Hens #6092 served me the disciplinary report on 4/13/17. Upon delivery I read it - & requested that he review the surveillance video - as it would prove I never touched - grabbed - nor assaulted shift commander L.T. Stibbitt #12571

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 21. The Court severed these claims in its merit review. (Court Doc. 13).

22.

That night (1-13-17) I prepared a grievance -&- submitted it to counselor Ray. I also submitted a written statement to the investigation -&- Adjustment committee. In those statement -&- grievance I requested that the video from 1-12-17 for housing unit # 6-B on the 3 to 11 shift be preserved -&- reviewed by the investigating officer to prove my innocence before the hearing committee. Because if the incident occurred the way L.T. Stibbs #12571 said, then the video would clearly show me grabbing him by his biceps -&- shoving him backwards - being followed by L.T. Stibbs -&- # 8156 restraining me -&- bringing me to seg. Thus I requested the surveillance video to be my witness. It's an open -&- shut case...

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 22. The Court severed these claims in its merit review. (Court Doc. 13). The Court dismissed the claims against Mr. Ray in its merit review. (Court Doc. 13).

23.

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Hearing investigator #Jwens #6092 directly failed/refused to do his mandatory duty as approved by (C.A.O) Warden Lamb; under 20 III ADMIN-CODE CH. I SEC 504.60 which states...

Section 504.60 (d.) (e.) state

(d.) The hearing investigator may interview any person who may have information that relates to the alleged violation -
- may inspect any physical evidence (surveillance video)

(e.) The hearing investigator (shall) determine whether or not to submit a report to the Adjustment committee, based upon the results of the investigation. However, if the investigation reveals evidence of a convincing nature that the offender did not commit the offense, the evidence must be reported to committee..

Must BE Reported To THE Committee ?

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 23. The Court severed these claims in its merit review. (Court Doc. 13).

24.

In the instant case based upon the severity of the offense hearing investigator #Jwens #6092 had a clear/mandatory duty to investigate/inspect any physical evidence related to the alleged charge (surveillance video). That investigation would have revealed surveillance evidence of a convincing nature that I did not commit the assault against Lt. Stubbins #12571. The video can clearly prove I'm innocent -
- as hearing investigator #Jwens #6092 had a duty to report the video evidence to the adjustment committee as the language requires in 504.60 (e.) "THE Evidence (Must) BE Reported to the Committee" ...

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 24. The Court severed these claims in its merit review. (Court Doc. 13).

25.

The refusal to follow written procedures continued as hearing investigator #6092 never mentions in his report ever reviewing said video from (6-B on 1-12-17- 3 to 11 shift). Even after the written request. This refusal of duty violated my due process as given refused/failed to conduct an investigation & submit the evidence to prove my innocence before he submitted the disciplinary report to the adjustment committee... Compounding the due process & retaliation I've suffered at the hands of the officials here at Lawrence & causing me to do 120 days unlawfully in punitive segregation & to be classified as a staff assailant.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 25. The Court severed these claims in its merit review. (Court Doc. 13).

26.

To further the constitutional deprivations against me, the adjustment committee who I went before on 1-16-17 found me guilty on the very same day they heard the ticket. Without viewing the surveillance video in spite my written request on 1-13-17... On 1-16-17- the impartial adjustment committee Lt. Henton #10195 & E. Cooper two uniform officers violating 2011 ADMIN CODE 509.70 sec 701.160 ~~had~~ found me guilty of all charges. Based on their decision solely off of the fraudulent ticket written by (shift commander) Lt. T. Stibbs #12571 (See EX H. Final Summary)

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 26. The Court severed these claims in its merit review. (Court Doc. 13).

27.

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At no point did these impartial officers consider my submitted written statement -&- request that they view the surveillance tape. This is made clear in their final summary report as they state three times "BASED ON O.D.R L.T. Stibbs Reported that... - The Partial O.D.R Report -Not - the impartial surveillance video"-

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 27. The Court severed these claims in its merit review. (Court Doc. 13).

28.

It is clear that the adjustment committee in Lawrence has repeatedly disregarded the mandatory rules set forth in 2011 ADMIN CODE CH I. Sec 504.80. These mandatory laws set in ^{MOTION} a course of action that concludes the guilt or innocence of an inmate by requiring that the adjustment committee comes to a fair -&- impartial conclusion before taking ones liberty.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 28. The Court severed these claims in its merit review. (Court Doc. 13).

29.

When the two uniformed officers (one being 15EG.LT) acted as the adjustment committee -& refused to view evidence of my innocence; they not only violated my right to liberty but also 504.80 (c.) which states...
(c.) The offender (shall) be informed before or at the hearing of information that would tend to show that the offender was not guilty... (Surveillance Video.)

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 29. The Court severed these claims in its merit review. (Court Doc. 13).

30.

In spite of me following the rules -& informing the investigator -& adjustment committee in writing -& verbally in advance of the ticket hearing, that the Surveillance video of 6-Hour B-wing 3-11 shift on 1-12-17 would prove my innocence they never viewed the evidence -& -
based their decision of off on superiors report. Further
Violating my procedural due process under 504.60 (g.) stating...
(g.) The committee (shall) consider all material presented that is relevant to the issue of whether, or not the offender committed the offense...

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 30. The Court severed these claims in its merit review. (Court Doc. 13).

31.

From the clear facts it is clear the adjustment committee lacks impartiality, as they refused to consider my request and view the exonerating evidence violating 504.80 (1.) & (2.) which state..
(1 & 2) If exonerating evidence is presented &-
disregarded the committee must state the basis for disregarding the evidence...

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 31. The Court severed these claims in its merit review. (Court Doc. 13).

32.

In the adjustment committee, 1-16-17 final report (Ex H-1) they never mentioned why they disregarded my written statement or verbal request to view the surveillance video. This is because segregation Lt. T. Henton #10195 & % E. Cooper lack the impartiality that 20 Ill Admin Code 504.80(d.) was designed to provide. As these two uniformed officers are direct subordinates of "shift commander" Lt. T. Stibbs #12571, thereby it would be frowned upon for them to throw out an assault ticket against their superior officer fraudulent or not. These officers knew the charges were made up. ~~They know they are lying~~ But had to give

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the same punishment. It is an unwritten policy/culture in Lawrence to not only go by their own rules not I.D.O.C. (s) but to punish ~~not~~ inmates who exercise their rights to the courts

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 32. The Court severed these claims in its merit review. (Court Doc. 13).

33.

'This is why the safe guards' in 504.70(a) are the prerequisite for any adjustment hearing as the mandatory language (shall) requires one of the hearing members to be a ~~none~~ officer, but Counseling staff or impartial person. To avoid inmates from loading property on their liberty arbitrarily; as the two hearing officers subjected plaintiff to such loss when refused/failed to use the Surveillance video to prove his innocence violating 504.80 (j.)

(j.) The adjustment committee (shall) decide whether or not the offender is guilty based upon Relevant info/evidence

* IS THERE Anything MORE RELEVANT(impartial) Than surveillance Video *

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 33. The Court severed these claims in its merit review. (Court Doc. 13).

34.

When (C.A.O) Warden Lamb rubber stamped the adjustment committee decision. Despite the lack of evidence substantiate the 102-# 206, they to just push the grievance on there issue away (SEE EX F-5-G-1) he disregarded my right to an impartial hearing in ~~accordance~~ of the unwritten policy-&- culture established in Lawrence. Which violates the legislative law of the I. D. O. C. that Safeguards -&- insures that inmates receive a fair investigation -&- ticket hearing before being deprived of their property or liberty. Per ADMIN CODE CH. I. 504 -&- U. S. Constitution.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 34. The Court dismissed Plaintiff's claims against Warden Lamb in its merit review. (Court Doc. 13).

35.

In closing the plaintiff ask the court to see that Warden Lamb & director J. Baldwin have allowed the actions against him to snowball. As I've written both directly (the director was sent Affidavit) explaining to them the violations & retaliation he's dealt with since his arrival on 11-4-16 Due to me exercising my right to the court - legal mail - Judges calls Attorney calls & grievance process, I have also sent Warden Lamb several emergency grievances asking for relief, but as of date he merely rubber stamped them. Out of fear for my safety I had my family mail these grievances (see EX E's - G.) directly to Warden Lamb, the A.R.B. (Mr. David Smith) - the Northern District Federal Court & an Affidavit with grievance to director J. Baldwin (SEE EX I:..)

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 35. The Court dismissed Plaintiff's claims against Warden Lamb and Acting Director Baldwin in its merit review. (Court Doc. 13).

36.

It has been Director Baldwin's - David Smith (A.R.B) & Warden Lamb's failure/refusal to ensure that inmates such as myself, who exercise their right to the courts while in I.O.O.C/Lawrence are not repeatedly faced with retaliations (like being left in handcuffs for hours...) & it has been their failings/refusal to ensure all investigations against me were impartial per 504.90(a) (2) that has directly allowed the unwritten policy of punishing or breaking inmates who exercise their rights to flourish.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 36. The Court dismissed Plaintiff's claims against Warden Lamb, David White, and Acting Director Baldwin in its merit review. (Court Doc. 13).

37.

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All of the aforementioned Statues - Rules -& Codes in this claim have specific language such as (shall) which has created a liberty interest that limits the discretion of the officials -& when Warden Lamb signed off on the final Summary Report on 1/17/17 he ignored the mandatory language -& rules. With these codes being disregarded the investigation (or lack thereof), the hearing -& it's final decisions are illegitimate -& can not stand. As the entire process violated my right to due process -& 20 ILL ADMIN CODE 504 as it was done without impartiality.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 37. The Court dismissed Plaintiff's claims against Warden Lamb in its merit review. (Court Doc. 13).

38.

Violating my Eighth Amendment right to live free of cruel -& unusual punishment free of retaliation - to have free access to the courts. As the defendants here have (opened/redd - confiscated legal mail clearly marked privileged. - hindered law library access - harassed me after legal calls - written fraudulent tickets After legal calls - sentenced me to 120 days (total) punitive segregation - 6 mon visiting restrictions -& reclassified me as a "staff Assulter", which has set forth an entire land slide of gross undue punishment -& retaliation..

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 38. (Court Doc. 13).

39.

2.) The following paragraph(s) will show how plaintiff was subjected to retaliation (due to him exercising his right to the court/grievance process -&- being wrongfully reclassified as "Staff Assulter". - Cruel -&- Unusual Punishment (physical violence - threat of sexual violence - racial harassment - terror of instant -&- unexpected death - mental anguish - gratuitous fear -&- false charges/direct punishment...)
: SEE ATTACHED INJUNCTION FOR GREATER DETAIL :

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 39. (Court Doc. 13).

40.

As set forth in paragraph one in this claim when I arrived in Lawrence from Stateville on 11-11-16 (transferred do to good behavior -§- being Gang Free -§- Weapon/Drug volt from FGE). I was in the middle of both my criminal appeal -§- a civil issue. So legal transcripts -books -§- documents made up most of my property. Soon after arrival in Lawrence I started receiving legal mail -§- judges/attorney calls regarding these matters. The harassment -§- retaliation began from there after. As the defendants % D. Johnson #7275 - % Buckles # 5031 - Lt. T. L. McCarthy - Lt. A. Stebby #12571 - Lt. M. McCarthy - % Summers - % Goodrum - Lt. Henton #10195 % E. Cooper - % Givens #6092 ; have directly commented on the fact of me receiving legal calls - legal mail - being involved in the legal process - having property consisting mainly of legal work or directly hindered access to the courts out of retaliation -§- or sentenced me to punitive segregation - wrote fraudulent tickets - or - directly overlooked their subordinates actions due to me exercising my right to the court. While pointing me

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our RIC was written to inform all of my rights
A FREE VACATION"... At no point did the over seeing officials
Lieutenants or Wardens M. Lamb - Administrative Review Board
(A.R.B.) D. White - or - I.D.O.C Director Baldwin; step in to stop
or prevent the following actions. The only % to attempt to defuse
any of this was % Z (to be i.d. later)

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 40. The Court severed the claims against Defendants Johnson, Steberr, Henton, Givens, and Cooper in its merit review. (Court Doc. 13). The Court dismissed the claims against Defendants Lamb, McCarthy, Goodrum, Baldwin, and White in its merit review. (Court Doc. 13).

41.

On or about 11-7-11-16 myself -& several inmates mostly hispanic returned from clothing. When we returned to wing (I-C) % D. Johnson started yelling -& speaking foul to us for no reason. He even used racial slurs calling the young men "Banditos". The situation became so heated I had to tell the young men, who I knew from Stateville to ignore % D. Johnson #7275. Then he started cursing -& yelling at me directly -& I had to inform % Johnson that I'm not a child. If there's a problem let me know what it is I'll correct it. Over the next week % D. Johnson directly cursed -& yelled at me for no ~~reason~~ violation of the rules. This problem became so intense that on Nov-10-16, I had to speak to the (I-C) house Lt. L. McCarthy about the berating racial remarks of % D. Johnson. Lt L. McCarthy did nothing.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 41. The Court severed the claims against Defendant Johnson in its merit review. (Court Doc. 13).

42.

On Nov-12-2016 I went -& received my property that came from the last institution. Once % D. Johnson seen that it was mostly legal work -& books, he became even more hostile toward me -& the remarks name calling of "Judge Judy" - "He'll sue you" soon began. On or about Nov 14-2016 while at nurse sick call officer D. Johnson #7275 stood in the door way of the glass front office watching me -& the nurse. When I asked to speak to the nurse in private per H.I.P.P.A. (Medical Privacy Act) % D. Johnson became so irrate that when I left the nurse, he stopped me in front of the door leading back to (I-C) unit -& yelled "What did you say you'll do to me - do it now..." He refused to open the door to let me in -& as he yelled officer Z (to be i.d later) came over -& told % D. Johnson he had this.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 42. The Court severed the claims against Defendant Johnson in its merit review. (Court Doc. 13).

43.

Five minutes after being let into the cell by % 7 "peacefully": % D. Johnson came to the cell I was held in (1-C-Upper 15) -&- asked "what's it going to be" ... I in turn wrote the grievance dated 11-14-16 (SEE EX J.). However as of date due to an unwritten policy or culture in Lawrence, this grievance -&- two others on % D. Johnson threatening me -&- calling me racial slurs has disappeared -&- remain unanswered on the grievance officer level for one -&- Counselors level for two. Directly hindering my access to the court as inmates are barred from seeking any relief if they have not exhausted their administrative remedies. However in Lawrence these remedies are, far to often not available or blocked purposely by indifferent Staff.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 43. The Court severed the claims against Defendant Johnson in its merit review. (Court Doc. 13).

44.

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In late Nov - my legal mail started being handed to me opened -&- read inspite of it clearly being marked (Privileged Mail) This is against 20 I/II ADMIN CODE CH. I 701.180 Mail Procedure (f.) stating: Privileged Mail shall be opened in the presence of the detainee... Several grievances were written on this issue as well only these were not returned by the 6-house Counselor - As the culture of Lawrence is not to return inmate grievances in an effort to discourage grievance writing.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 44.

45.

"In Dec 2016 I received several judges -&- attorney calls. Everytime I exited these calls the % (s) in the control booth would refuse to let me back in the unit unless I told him who I spoke to...

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 45.

46.

"In the first week of January 2017 I received an attorney call followed by a judges call the next day. That night on 3/11 Shift % Buckles #5031 came to my door again with opened privileged mail from my attorney. When I asked him why he opened my mail % Buckles #5031 stated "WE GONE MAKE SURE You Don't SUE NOBODY HERE" ... We exchanged words and he moved on. Later that night when they ran chow % Buckles -&- the L.T. stood in front of the cell I was in 6-B-Lower 10 while running chow. % Buckles #5031 opened the door wide open -&- asked if I still had an issue. This is unusual because the L.T. -&- % (s) stand at the back of the wing Not in the middle, where 6-B-Lower 10 is located. (A look at the surveillance video will prove this.) I said nothing to % Buckles -&- did not go to chow to avoid a situation.

RESPONSE: Defendant Buckels admits that he usually works the 3-11 shift and brought inmates legal mail. Defendant Buckels denies the remaining allegations in paragraph 46. Defendant Summer lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 46.

47.

Approximately 3-4 days later I received a ticket dated 1-10-17. For a 307: Unauthorized movement: Stating I ~~was~~ ^{was} in the dayroom during upper decks day-room (written in way to show I broke out the cell)... This ticket was written by %Buckles# 5031 in an effort to bring disciplinary actions against me since he could not provoke a physical reaction from me. If it were not for my receipt having the time on it proving I was in the commissary at the time %Buckles said I "broke" out the cell - worse case scenario I could have been charged with an escape:-

RESPONSE: Defendant Buckels admits that he wrote Plaintiff a disciplinary ticket that was later expunged. Defendant Buckels denies writing the ticket because "he could not provoke a physical reaction from [Plaintiff]." Defendant Buckels lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 47. Defendant Summers lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 47.

48.

Once it was clear I would be cleared of this ticket. As I showed the major my receipt (see Ex. A receipt) over the next two days when ever the Lt - s- % (s) ran chow they would come - s- stand in front of my cell - open the door all the way - but say nothing.

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 48.

49.

On Jan-12-2017 % Summer -on- Summers - came to my cell with legal mail from the Fourth District Appellate Court. As I signed the receipt (to prove Reception of mail) % Summer went through

the envelope from the Appellate Court taking part of the transcripts enclosed -&- a self addressed envelope. When I asked him what he was doing he said I could not have the envelope (-&- by default the documents) I tried to point out to him that the Appellate Court gave me strict directions to sign the documents he kept -&- return them ~~to me~~ back to them at once. I literally let him read the paragraph. (SEE EX B-) Yet, He still took the transcripts. Do to this requested to see the L. f... 1

RESPONSE: Defendant Summer admits opening Plaintiff's legal mail in front of him and removing the self-addressed envelope. Defendant Summer denies the remaining allegations in paragraph 49. Defendant Buckels lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 49.

50.

About 15-20 minutes later L.t. Stibbs #12571 came to run chow -&- I came out of the cell to speak to him. He told me he had work to do; sign the book -&- to wait. When I tried to follow him the 2 % (s) stopped me. When Lt. Stibbs #12571 came from the back I tried to show him the letter from the Appellate Court. He in turn started shouting "I ALREADY KNOW what you WANT -&- you can't have it" .. I in turn underlined the sentence of the Appellate Court (SEE EX B- Letter From Appellate Court.) -&- with paper in one hand, pen in the other tried to show Lt. Stibbs #12571 that I NEEDED the documents not the ENVELOPE. He in turn started yelling as loud as he could -&- waving his arms in the air -&- counting. WHEN I DID NOT MOVE He stepped FOWARD -&- RAN into ME. :NOTE: I WAS holding on to my pen IN ONE HAND -&- the letter FROM the Appellate Court IN THE OTHER : - SO HOW COULD I BE SQUEEZING BICEPS -&- Holding Arms -

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 50. The court severed these claims in its merit review. (Court Doc. 13).

51.

With Lt. Stibbs #12571 in my face yelling -3- counting I turned -3- walked back to the cell. When my back was turned Lt. Stibbs #12571 grabbed my arm -3- he -3- two Go's cuffed me up -3- walked me to segregation, with out incident. A REVIEW OF THE SURVEILLANCE VIDEO WILL PROVE EXACTLY WHAT I'M SAYING

RESPONSE: Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 51. The court severed these claims in its merit review. (Court Doc. 13).

52.

When I got the ticket that's when I discovered I not only had a fraudulent intimidation of threat but a staff assault as well. However this was not the end of the attacks against my personal liberty. Due to the fraudulent charges of 102: ASSAULTING MY PERSON -3- 206: Intimidation of threats, I was ~~not~~ given a fair adjustment hearing on 1-16-17 as required by law 20 ILL Adminstrative Code 504 -3- 20 ILL ADMIN CODE CH. I section 701.160(H). Which included mandatory laws are in place to insure prison officials can not take prisoners liberty or property arbitrarily.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 52. The court severed these claims in its merit review. (Court Doc. 13).

53.

However on 1-16-17 the adjustment committee hearing

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officers were segregation L. T. Henton #10195 -3- 96 E. Cooper two uniform % (3). Directly violating the aforementioned statutes 20 III ADMIN CODE 504.70(a) (AS claimed in paragraph one of this claim.) - purposely as it is the practice of Lawrence to have two officers hearing major tickets (not to investigate tickets - etc.) A short random review of major tickets heard in Lawrence ~~between~~ over the last year July 2016 - July 2017 will prove with material fact Lawrence officials choose to directly disregard the entire Administrative Code regarding ticket hearings/investigation as Warden Lamb continues to rubber stamp these actions. Actions that allowed to impartial uniformed officers to HEAR A FRAUDULENT TICKET WRITTEN AGAINST ME BY THEIR SUPERIOR OFFICER. (Shift Commander Lt. Stibb #12571.) Rendered an impartial decision against me, in favor of their superior officer. Arbitrarily sentenced me to 7 months of Segregation - loss of visiting privileges - loss of good time - reclassification as staff assaultor

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 53. The court severed these claims in its merit review. (Court Doc. 13). The court dismissed any claims against Warden Lamb in its merit review. (Court Doc. 13).

54.

Of these two hearing officers - reg L. T. Henton # 10195 & E. Cooper - & ticket investigation officer Yevens # 6092 would have done their job as directed by law. (see paragraph one to learn complete duty - & mandatory language) They would have reviewed the ~~surveillance~~ video / spoken to witness - & discovered that their superior officer was Not assaulted by me as alleged - & that this ticket was written falsely because I had not only proven % Buckles # 5031 ticket was fraudulent (SEE ~~Ex~~ K. Ticket Expunged) but was also known to be engaged in exercising my right to the courts - & the grievance process against prison officials. As % Buckles #5031 stated, "We gone MAKE SURE you don't sue nobody here".

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants deny that there is surveillance video in the cell house. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations contained in paragraph 54. The court severed these claims in its merit review. (Court Doc. 13).

55.

NOTE - THE Plaintiff would like the court to see that the defendants Actions against him have OCCURRED either AFTER A legal call - OR - the reception of legal mail/...

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 55.

56.

On Jan-21-17 on the 3-11 shift Shift Commander L. T. Stibbs came to the Seg cell where I was held (seg-B-lower -3) -3- let me know "YOUR Going to ROTT back here PATTERSON" before tossing the grievance I wrote on the "FAKE" staff assault through the crack of the door. Forcing me to mail these grievances "cries for justice" via family to the I. D. O. C Director - Baldwin -3- the A. R. B (MR D. White). Who ignored the grievances without a

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Reply -or- rubber stamped them (Ex E-3-6) grievances dated 1-25-17 -1-24-17) The impartial adjustment committee's disciplinary ruling was based "only" on (shift commander) L. T. Stibbs #12571 report not the impartial Surveillance video (see Ex H. Adjustment Committee Final Summary Report dated 1-16-17). Thus these rulings have not only effected my eligibility for good time but has had collateral consequences of retaliation inflicting gross undue punishment -3- unnecessary verbal abuse at the hands of the defendants due to being falsely labeled a "STAFF ASSAULT". As the following issues occurred after -or- due to false "Reclassification"; while held in Segregation for the charge.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 56. The court severed these claims in its merit review. (Court Doc. 13).

57.

1.) On Feb 20, 2017 at approximately 7:30 am Sgt. Casburn came to the cell I was in (seg B-lower-3) wake me up -&- told me. "PATTERSON your getting a celly" ... I asked him who -&- he said lower Seven cell. Not carrying I went back to sleep. About an hour later Sgt Casburn came back -&- told me I was now getting inmate Williams as a celly. He then went -&- informed inmate Williams that he was being moved.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 57. The court dismissed the claims against Sgt. Casburn in its merit review. (Court Doc. 13).

58.

2.) When this happened the gallery started yelling -&- informing me that inmate Williams was the inmate who had been yelling -&- kicking the door for the last two days. (All night without stopping - the worse was happening...) This inmate has an extensive history of mental illness -&- clops while he talks -&- as recently as two weeks ago (14 JAN - Early FEB) had to be rushed to an outside hospital due to a suicide attempt. This same inmate has a long history of assaulting staff by throwing human feces ~~blood~~ into their faces. (Documented Fact)

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 58.

59.

This same inmate who has a long list of suicide attempts is also known for smearing fecal matter all over his body -&- face. (Documented Facts)

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 59.

60.

3.) Yet on Feb 20, 2017 out of the blue Sgt. Casburn #10828 decided to take this inmate who is listed as clinically insane, -§- move him out of the cell he was in ALONE where he was no threat to anyone. -§- move him into the cell with me. At the time Sgt. Casburn #10828 tried to move Williams into the cell with me, there were 2 empty cells on the gallery -§- a vast number of inmates wanting to receive cell mates.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 60. The court dismissed the claims against Sgt. Casburn in its merit review. (Court Doc. 13).

61.

The question REMAINS why would the officials here AT LAWRENCE SGT. Casburn #10825, move a feces throwing madman out of a perfectly good cell, where he was NO threat to anyone into a cell with another person...

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 61. The court dismissed the claims against Sgt. Casburn in its merit review. (Court Doc. 13).

62.

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4.) The only logical explanation is to create a situation where the petitioner will be forced to harm -or- get harmed by the mentally insane inmate. There is no way of telling to what extreme one would have to defend himself against one who is clinically (KNOWN) -&- willing to kill himself.... Thus, I refused to except the feces throwing - door kicking - all night hollering - fecal smearing - suicidal inmate into the cell with no. ~~lockdown~~ ~~no protection~~ ~~no ventilation~~

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 62. The court dismissed the claims against Sgt. Casburn in its merit review. (Court Doc. 13).

63.

5.) After a call with Honorable Judge Roland (U.S. Dist - Court Northern District) I was left chained to a stool - where I made the call from for hours. While the shackles around my ankles cut off all circulation to my feet. For approximately 3 hours I was ignored by the % (s) -&- left to suffer as my limbs went numb.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 63.

64.

6.) On Feb 18, 2017 after receiving a visit from my mother I was brought back to the cell - I left in a wrist chain (hands cuffed to my side with chain around wrist) for approximately 40-50 min in the cell for no reason at all.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 64.

65.

7.) On Feb 8, 2017 after my legal call with Honorable Judge Rowland (U.S. Dist Court-Northern Dist) I was asked repeatedly by the officers standing right outside the door listening - "Why did I get A Judge involved" - when I told them because they left me chained to the stool for hours last time they all laughed. (This is just Amusement to the %\$@# or Lawrence).

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 65.

66.

For the % (s) in Segregation on Feb 8, 2017 and return the handcuffs were slammed on my wrist so tight after the legal call. It seemed as if they cut into my wrist bone. When I complained of the pain I was lead back to the cell [REDACTED] and LEFT cuffed hands behind my back in the cell for what seemed like an eternity -i- as my wrist/hands went numb the officers purposely went to get inmates from the yard. Which is against protocol -As inmates ARE NOT to REMAIN in handcuffs once placed back into their cell. - I was left in there extremely tight cuffs for at least an hour.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 66.

67.

8.) Around or about Jan-13-2017 after the % (s) on the 11-7 shift read the fraudulent charges (STAFF ASSAULT - INTIMIDATION or threat -of- Shft Commander L.T. STAFF #12571) attached to the cell door. That night I noticed the main "COARSE" in the breakfast tray had spit on top of it, and almost every tray that has followed on the breakfast shift

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I know this is spit because of the white bubbles -&- because the trays for lunch -&- dinner that are handed out by an inmate worker lack this mysterious - white - bubbly slime.
NOTE: PANCAKES don't HAVE Bubbles -or- Slime...

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 67.

68.

9.) I wrote a grievance on this nasty issue - but as it is/was known Counselor Ray tossed inmate grievances. At this time -³- was removed from being the segregation counselor do to complaints about his actions. Therefore another one of my grievances has been prevented from being exhausted. As counselor Ray's actions have placed a hurdle before the grievance process, -⁴- as a result of hearing nothing on this issue. (my breakfast being spit in...) I gave up eating breakfast for the remainder of my stay in Segregation

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 68. The Court dismissed the claims against Mr. Ray in its merit review. (Court Doc. 13).

69.

10.) Once again on 2-20-17 I was written a fraudulent ticket -⁵- sentenced to an extra 30 days segregation. The charge was for :403: disobeying a direct order. Where Sgt. Casburn #10828 said I refused to move cells -⁶- that I refused three direct orders to do so. Sgt. Casburn then went on to say that I stated "I'm A MAX SEG - TO SEG Transfer -⁷- Will Not HAVE A Cellie!"

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 69. The Court dismissed the claims against Sgt. Casburn in its merit review. (Court Doc. 13).

70.

This entire ticket was falsely written do to the original charges of Staff assault (note the hearing for this ticket also violated 26 ILL ADMIN CODE 504-As is the practice in Lawrence.) -5- as each officer takes a swing at me they don't care if they lie or broke ADMINISTRATIVE Codes/LAW. Because it is the culture in Lawrence to punish or broke inmates who dare to exercise their right to the court -i- grievance process. Sgt. Casburn's attempt was no different, however he made a key mistake. He lied. In an attempt to 'trump up the charges'. However this lie is easy to discredit. Because contrary to Casburn claiming I was a "seg to seg" transfer". THIS WAS NOT THE CASE I WAS TRANSFERRED FROM STATVILLE DO TO GOOD BEHAVIOR (AS I'VE REMAINED GANG-DRUG/ALCOHOL/WEAPONS VIOLATION FREE...) AND WAS NOT IN SEGREGATION.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 70. The Court dismissed the claims against Sgt. Casburn in its merit review. (Court Doc. 13).

71.

However the question remains why would Sgt. Casburn try to place ~~me~~ a known mentally ill inmate in the cell with me?... Retaliation....

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 71. The Court dismissed the claims against Sgt. Casburn in its merit review. (Court Doc. 13).

72.

All of the aforementioned actions against me happened while I was in segregation for the fake staff assault -§- like

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to my actions in the court. As the judges calls -§- attorney calls with legal mail following continued while I was in Seg. The %/s) actions became so aggressive -§- the fear -§- anxiety so heavy I filed an injunction to (Judge Alano See EX L. Patterson v. WEXFORD Health Case 13-1301) However Judge Alano told me while I could not attack this injunction to the current claim - I could file the injunction in the proper jurisdiction. While waiting on my grievances on these actions to be returned, so I could exhaust all available administrative remedies the actions of the defendants grew colder -§- the terror of instant unexpected death became so unreal I was forced to seek Protective Custody on 7-27-17. As I was threatened to be hung by my genitiles in the shower -§- have previous grievances showed "up my ass" in Ch D. Johnson. Who told me he was going to kill me on the breakfast shift -§- pushed me to the threats of death -§- sexual violence I called Springfield Anti-Sexual Violence line twice.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 72. The Court severed the claims against Defendant Johnson in its merit review. (Court Doc. 13).

73.

SCE
EX
M.
N.

After this call I sought the 5-# requested Protective Custody. However to cover up the repeated retaliation -#- most recent threats of death -#- sexual violence - the officials here at Lawrence, once again produced fraudulent tickets -#- After speaking to Internal Affairs Lt. Ochs - who was supervised to investigate the C/I to Springfield by N.E. (TIC) Adjustment Committee gave me a chance on 7-27-17 to either drop my request for Protective custody or to charged me only with the fraudulent tickets written by C.I. Johnson for 206: INTIMIDATION of Plaintiff -#- 304: INSUBNCE -#- 215: Disobeying A Direct Order But be charged by the State criminally in Lawrence County. The Adjustment Committee on 7-26-17 was comprised of MAJOR T. Stuck -#- C/I F. Cooper (one AGAIN VIOLATING the law of 20 ILL ADMIN-CODES 506-#- CH. 7 Section 701.160(H.)) Which is common practiced in Lawrence. facts of this issue will be further discussed in this claim. The following acts of retaliation occurred after I left Dept on 4-27-17 -#- PLACED into the same cell house Man by Shift commander Lt. Etchison -#- the unit where C/I Johnson was the 5 day officer. (SEE EX M-N. FOR FRAUDULENT TICKETS)
IV. Conclusion A. and handled in 8-1-18 page 12.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 73. The Court severed the claims against Defendants Johnson and Cooper in its merit review. (Court Doc. 13).

74.

On or about 5/10/17 I was housed in 8-C up to id. While standing by for chow a person came to the cell door where I was sitting -s- I didn't know last name. When I stood up there was a person standing so close to the door I could

not recognize them. But I could tell it was an officer by the hat and white shirt

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 74.

75.

When I asked what was up he stated "Your lawyer is not here, but your block has got it MANARD - But they won't keep me off you" ... As I stood there in shock Lt. Stibbs #12571 stepped back from the door -s- went -s- stood by the wall as the bubble bumped the door for chow... For weeks I was so fearful I would be in the cell, trying to avoid being hurt or harassed unduly. As shift commander Lt. Stibbs has continued to directly harass -s- retaliate against me; after confiscating my legal mail from the Appellate Court -s- then writing to Plaintiff staff and get ticket on Jan 12, 2017.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 75.

76.

All of these actions began -&- are directly related to me exercising my right to the courts & grievance process (SEE EX⁰ GRIEVANCE 5:17-17 -As of date not yet reviewed HAVING LAMB)

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 76.

77.

On or about 6-25-17 while in the dining hall for lunch on the 7-3 shift, I was once again threatened & harassed again by % D. Johnson. Who on a daily basis THUR-MON yells racial slurs at me - & stands behind me at chow jingling his keys (when he's not jingling - I'm done eating). He continues to threaten to kick off his bridge. -&- "Kick your Ass". I've written four grievances on % Johnson between April - 27-17 to June 26-17. Three have magically vanished as there was no appointed counselor for 8-1 place during those days....

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 77. The Court severed the claims against Defendant Johnson in its merit review. (Court Doc. 13).

78.

"On 6/24/17 % D. Patterson kept yelling "Get out Brown" across the street just for fun. When it was time for him to leave, when he got to the door % D. Johnson was sitting in. He yelled "I got up & left. Half way out the door % Johnson started yelling "PATTERSON! PATTENSON! When I stopped he yelled & pointed. "I know it's not you" Act it up. - It was a glass of water."

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 78. Defendants note that some of paragraph 78 of Plaintiff's complaint is illegible. The Court severed the claims against Defendant Johnson in its merit review. (Court Doc. 13).

79.

"The question is if Johnson knew the glass was in the den since he was watching me & of course he can say he didn't."

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 79. Defendants note that some of paragraph 79 of Plaintiff's complaint is illegible. The Court severed the claims against Defendant Johnson in its merit review. (Court Doc. 13).

80.

This is not the first time to be alone in - but this is called my right to make outages from a cell. I didn't ask for it. When I told Lt. Steberr of Col. Johnson's actions - he said "you should do it" - I advised him it was to better that of a mad dog. By no means I was not I placed in the very same cell house upon Melcarde from Segregation intended by Lt. Steberr #12571, whom I do not

changed with "ASSISTANT" (The off. is A-11 LAWYER) know this himself. Col. Johnson was fraudulent - so to avoid getting Segregation involved - they tried to refuse to do what he was to do. This is what is required of INMATE ASSISTANT OFFICER - STAFF and you are to do what you are told (or you are not)

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 80. Defendants note that most of paragraph 80 of Plaintiff's complaint is illegible. The Court severed the claims against Defendants Steberr and Johnson in its merit review. (Court Doc. 13).

81.

Also it was in flask - which I was placed in the unit (8-C) man by Col. D. Johnson whom I've been forced to write grievances or do to various threats - to - naming Alwra. Being placed in the exact same, controlled by the same commander Steberr #12571 physically him and I.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 81. Defendants note that some of paragraph 81 of Plaintiff's complaint is illegible. The Court severed the claims against Defendants Steberr and Johnson in its merit review. (Court Doc. 13).

82.

On or about 7-11-17 while returning from lunch there was an inmate that I knew who was cuffed & surrounded by C.I.s - L.T. M. McCarthy (I think it was) I asked this inmate if he was ok. He said he was going to die. While I was walking to Gashouse started running - running & retuning towards me like he was throwing up gang signs. It was not until S. Goodrum came into the unit (8-C) to look the issue that I learned of his threat. As S. Goodrum literally walked up to me - I asked from my face "I know who the fuck you are Patterson - what you did to the L.T. - I don't give a fuck who you write, or how many grievances you have. You bitchin' up here - we're going to set you up." I've never had a conversation with this S. before.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 82. Defendants note that some of paragraph 82 of Plaintiff's complaint is illegible. The Court severed the claims against Defendants Steberr and dismissed the claims against Goodrum and M. McCarthy in its merit review. (Court Doc. 13).

83.

S. Johnson was pulled over by another S. in the Admin. wing for me this. It is obvious the administrators are not doing the job of getting the S. (S-2079) in the retaliation against me. Instead of addressing the S emergency grievance it seems Warden Lamb would rather pass on the information of the complaint to the S. who in turn continue to retaliate against me unjustly. The complaint letter back to Nov-2016, was written by S. D. Johnson.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 83. Defendants note that some of paragraph 83 of Plaintiff's complaint is illegible. The Court severed the claims against Defendants Steberr and Johnson. (Court Doc. 13). The Court dismissed the claims against Warden Lamb in its merit review. (Court Doc. 13).

84.

All of the following time actions can be justified by
verifying the surveillance vision of the 8-hour shift
on 3-11-17 (7-3 Shift)

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants deny that there is surveillance video in the cell houses. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations contained in paragraph 84. Defendants note that some of paragraph 84 of Plaintiff's complaint is illegible.

85.

When we came out for laydown, I went to speak to
Mr. L.T. about a Goodrum threat. But Mr. L.T. didn't
say anything. He just walked away. I then heard Mr. Goodrum
say "YOU ARE A LOT OF TROUBLE MAKERS,
YOU ARE ANOTHER ANOTHER. You know, here we are
and you're saying everybody - that's not me friend".
- He went in for less than a minute out of his
office and go to seg. However the metadatum did
not show him.

nm

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 85. Defendants note that most of paragraph 85 of Plaintiff's complaint is illegible. The Court dismissed the claims against Mr. Goodrum in its merit review. (Court Doc. 13).

86.

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As the Plaintiff states - it is my understanding
threats of sexual violence - is actual physical violence
against me. came to a boiling point on July 30, 2017

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 86. Defendants note that some of paragraph 86 of Plaintiff's complaint is illegible.

87.

While walking to Chow on 7-3 Shift (lunch) I was in the middle of the line, when it stopped. As % Bixby who was working the walk stopped the line, at the yellow line printed on the ~~sidewalk~~ sidewalk. Out of nowhere % D. Johnson who works (8-c-unit) where I'm held came up to me, ~~and~~ cursing -&- requesting my i.d. I gave it to him -&- asked what was going ^{on} because I was expecting a visit. He in turn cursed me loud -&- told me "TAKE YOUR ASS BACK TO THE UNIT", for holding up the line... But this was just a ploy - because % D. Johnson was behind the line -&- I was in the part of the line % Bixby had stopped, to wait for the rest of the line which was dragging behind. Plus at no point did % Bixby say catch up - move up or anything to me - that he normally says to slackers.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 87. The Court severed the claims against Defendant Johnson in its merit review. (Court Doc. 13).

88.

When I asked % D. Johnson why he said go back -&- why he was cursing he said "BECAUSE I FUCKING CAN -&- BECAUSE I fucking said so". He went ~~on~~ on to say go back or cuff up. So out of great fear of being cuffed by % Johnson, I started back to the unit after requesting a L.T. -&- % Bixby saying "just go back - I'll send A L.T."

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 88. The Court severed the claims against Defendant Johnson in its merit review. (Court Doc. 13).

89.

% D. Johnson continued cursing -&- told me he'll get the fucking gate for me. However once we got away from the crowd % Johnson went off the rails -&- started saying "you think you CAN just write me up -&- nothing will happen - I know you put YOUR NAME on Duffen's grievances -&- I fucking threw out ALL your other ones. Before them CAMERAS get over here I'm going to string your black ass up by the balls -&- stick them grievances up YOUR ASS" ... At once I was terrified for my life - because % Johnson has not only threatened me before but because I had personally seen him (% Johnson) handcuffed -&- headbutt inmate Duffen on Monday 7-17-17. Then curse Duffen before sending him back to the unit, because Duffen committed no infraction.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 89. The Court severed the claims against Defendant Johnson in its merit review. (Court Doc. 13).

90.

From these previous actions -&- % D. Johnson's threats on my life regarding or do to my actions in the courts -&- grievance writing against prison officials -&- the issue of staff assault with Lt. Steberr; I fear for my life because these incidents have gone without being investigated by Internal Affairs - Head Warden Lamb or - the L. T(s) I have informed about the problem, verbally - letters - or - emergency grievances.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 90. The Court severed the claims against Defendants Johnson and Steberr in its merit review. (Court Doc. 13). The Court dismissed the claims against Warden Lamb in its merit review. (Court Doc. 13).

91.

0 About 10:30 AM (7-20-17) my cell mate inmate Davis came back from school -&- when % Johnson opened the door he ~~started~~ started cursing me again calling me a pussy &- asked me "What do you want to do Patterson" ... When I told him to stop talking to me before I write him up. He went on to say "I'll be working overtime in the next few days -&- your ass will be found stuffed full of grievances

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~~-&- CANGING in the shower... You'll see PATTERSON I WIN - I always win...~~

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 91. The Court severed the claims against Defendant Johnson in its merit review. (Court Doc. 13).

92.

However the threats of violence did not end here as % D. Johnson actually physically assaulted me after my visit on 7-20-17 (the issues on the ~~visit~~ visit will be addressed later in this claim -&- in the attached injunction). After the visit on 7-20-17 I requested to speak to a major regarding my safety. When I told % Edwards this in the visiting shake down, he refused to call a major, but did get L.T. L. McCarthy. Who I asked to speak to alone.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 92. The Court severed the claims against Defendants Johnson and L. McCarthy in its merit review. (Court Doc. 13).

93.

Once alone I told L.T. L. McCarthy (AII) the threats of violence - ill actions made against me by % D. Johnson & I asked him to help me. He inturn told me % Johnson was all right - but firm. When I asked him to help because the grievances the grievances were not doing any good. He stated "GRIEVANCES - you still trying to sue people PATTERSON - hell I should help him tie the knot" Meaning he would help % Johnson hang me. (note: L.T. McCarthy is the L.T. I reported Johnson to in my)

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 93. The Court severed the claims against Defendants Johnson and L. McCarthy in its merit review. (Court Doc. 13).

94.

When I returned from my visit % Johnson was waiting for me like a mad dog on a chain (see 8-house career door entry 7-20-17) & at once I knew L.T. L. McCarthy had told % Johnson my complaint. Because as I tried to get back on the wing (8-c) % Johnson stated "I told you I Always was PATTERSON - how was your noncontact visit you piece of shit" - I know Lt. L. McCarthy had to call a head & reveal my complaint on % D. Johnson - because Johnson knew I had an issue on the visit - which is in the front of the prison. While Johnson works in the back of the prison in B-unit...

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 94. The Court severed the claims against Defendants Johnson and L.McCarthy in its merit review. (Court Doc. 13).

95.

When I refused to answer % Johnsons remarks - he turned red - & as he opened the door to the unit he stated "You'll see how I work - I'll be working breakfast one of these nights - & I'm going to make you my little bitch ..." While I was walking up the stairs % Johnson who was directly behind me pushed me - & started making kissing noises. I was so afraid I almost ran to the cell - & when % D. Johnson opened the door to cell 8-C-upper-12 he started cursing me again - & started asking "how was my non contact visit" I ignored him but before he left Johnson added "We'll see tonight - you little bitch..." Meaning he was going to make good on his threats...

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 95. The Court severed the claims against Defendant Johnson in its merit review. (Court Doc. 13).

96.

Out of fear for my life - & because as of date none of the grievances I filed about the actions of these rogue racist officials have been answered or have been rubber stamped by Warden Lamb. I have been forced to seek Protective Custody (see grievance dated 7-20-17 ~~Ex-1~~) As % D. Johnson - % Goodrum - % Buckles - % Summer % E. Cooper - L. T. L. McCarthy - L. T. Henton - L. T. M. McCarthy - & L. T. A. Stebber, have all directly played a role in harassing me after judge calls / attorney calls - illegally opened/read my privileged mail - confiscated privileged legal mail - written fraudulent tickets

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thrown into punitive Segregation - denied me proper adjustment committee hearings - tossed grievances - threaten to hang my "black ass" - sodomize me with grievances - hang me by my balls - beat me - kill me - & if I did not drop the pursuit of Protective Custody (there by the investigation why I was seeking P.C.) - charged ^{me} criminally by the Lawrence County prosecutor for assault. - As the staff has previously written false tickets for assault against me out of retaliation.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 96. The Court severed the claims against Defendants Johnson, Cooper, Henton, L. McCarthy, and Steberr in its merit review. (Court Doc. 13). The Court dismissed the claims against Warden Lamb, Goodrum, and M. McCarthy in its merit review. (Court Doc. 13).

97.

"Retaliation due to me being reclassified a Staff offender by an impartial adjustment committee (see paragraph 9 of this claim) who refused to view surveillance video that would prove my innocence - & show that officers did in fact confiscate privileged mail from the Appellate Court [REDACTED] - & harass me after legal calls unduly for months. This reclassification led to the following.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendant Summer admits to confiscating a self-addressed stamped envelope from Plaintiff's legal male, but Defendants deny inappropriately taking anything from Plaintiff's legal mail. Defendants deny that there was surveillance video in the cell houses. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations contained in paragraph 97.

98.

On July 20-17 my family came to visit me. Expecting to have a normal contact visit with me. As counselor Struheart had ensured my mother all of the restrictions (non-contact) were removed by Warden Lamb. On 7-3-17 I had just enjoyed a (contact-vis.) with my family due to any/all restrictions being removed by Warden Lamb.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 98.

99.

However when my family arrived on 7-20-17 they were met with
fearce hostile behavior from the Sgt in charge of the visiting room on
7-20-17 (7-3 shift), who told them that only one person could see me
at a time. -&- the visit would be now contact. When my family explained to
them the restriction had been removed by the Head Warden -&- they had
just visited me (contact visit) two weeks prior. They were met with
further hostile behavior from the Sgt -&- officers working the visiting
center. They were told they could not speak to the warden -because
the Sgt was in charge -&- the only one that mattered. They were
told to either leave or one person could come in.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 99.

100.

When I arrived in the visiting center (moments after dealing with Yo
D. Johnson) I was met by L.T.L. McCarthy three % (3) -&- the Sgt.
(bald w/m 50yr). Who with a show of force let me know before I could
even take two steps in the building - that due to my classification
As "STAFF ASSISTANT" they will not allow me to have a contact visit.
When I told L.T.L. McCarthy the restriction (6mo) was cut short by the
Head Warden. The Sgt. told me he was not there -&- since I put
my hands on staff "I'll never receive ANY privileges in LAWRENCE"
They let me know I could either ① go to Seg -or- ② go see
my family. I picked door #2.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 100. The Court severed the claims against Defendants L. McCarthy and Johnson in its merit review. (Court Doc. 13).

101.

On 7-21-17 my family called -&- spoke to counselor Garrett who double checked the computer -&- found no reason why I should not have been given a contact visit. As I had such visit weeks earlier -&- All restrictions were removed by Chief Administrative Officer Lamb. (See Grievance dated 7-23-17 EX Q.)

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 101.

102.

The aforementioned officials -&- officers in this complaint -&- in the visiting room on 7-20-17, have perpetuated the pattern set by the culture in Lawrence. Which is to punish inmates who exercise their right to the court -&- grievance process by any -&- all means. Even if this means breaking -&- disregarding the law drafted by legislators to guide I. D.O.C. officials in the form of Administrative Codes. The defendants actions of retaliation have become so severe that I fear for my life. As the threats of sexual violence - death by hanging - physical attacks by %(&) has forced me to seek Protective Custody - Call Springfield's Adult line -&- ultimately file an injunction. Seeking protection from this honorable court as I am continually denied due process.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants deny punishing inmates for exercising their constitutional rights. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations contained in paragraph 102.

V. RELIEF:

Due to the direct violation of my first Amendment Rights (U.S.C) - Being Subjected to Cruel & Unusual punishment in the form of actual physical violence - Threat of sexual violence - threat of hanging - threat of death - racial slurs - Violations of Due Process - Blatant Deliberate indifference - The plaintiff seeks an injunction - Immediately ordering that he is placed in protective custody outside of Lawrence to ensure his safety.

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants deny that Plaintiff is entitled to any relief whatsoever. Defendants assert that Plaintiff's request is moot as he is no longer at Lawrence Correctional Center.

Plaintiff also seeks an order to have Lawrence follow the complete legislated law found in the mandatory language found in Administrative Codes 504 (Compensatory Damages of five hundred thousand dollars -&- punitive damages of two hundred & fifty thousand).

RESPONSE: Defendants deny violating Plaintiff's constitutional rights. Defendants deny that Plaintiff is entitled to any relief whatsoever.

VI. The plaintiff demands that this case be tried by a jury.

RESPONSE: Defendants demand a trial by jury.

AFFIRMATIVE DEFENSES

Qualified Immunity

At all times relevant herein, Defendants acted in good faith in the performance of their official duties and without violating Plaintiff's clearly established statutory or constitutional rights of which a reasonable person would have known. Defendants are, therefore, protected from suit by the doctrine of qualified immunity.

Sovereign Immunity

To the extent that Plaintiff's claims against Defendants are in their official capacity, the claims are barred by the doctrine of sovereign immunity.

Failure to Exhaust Administrative Remedies

Plaintiff has filed suit concerning prison conditions while in the Department of Corrections. Plaintiff has failed to properly exhaust his administrative remedies regarding his claims as is required prior to filing suit under 42 U.S.C. §1983 and his claims are, therefore, barred by the Prison Litigation Reform Act (42 U.S.C. §1997e(a)) and *Perez v. Wisconsin Dept. of Corrections*, 182 F. 3d 532 (7th Cir. 1999).

Injunctive Relief Barred

To the extent Plaintiff is suing Defendants for declaratory relief or injunctive relief not intended to address ongoing violations, Plaintiff's requests for such relief are barred by the Eleventh Amendment, sovereign immunity, and the Prison Litigation Reform Act.

WHEREFORE, for the above and foregoing reasons, Defendants respectfully request that this Honorable Court enter judgment in their favor and against Plaintiff, and deny any and all relief requested by Plaintiff in this matter.

Respectfully submitted,

COLE BUCKLES
and MARK SUMMERS,

Defendants,

LISA MADIGAN, Attorney General,
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BY: s/ Rachel Schwarzlose
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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

RICKY PATTERSON, #B79037,)
vs.)
Plaintiff,)
vs.) Case No. 17-1067-MJR-SCW
BUCKLES, et al.,)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2018, the foregoing document, Answer and Affirmative Defenses, was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

None

and I hereby certify that on the same date, I caused a copy of the document to be mailed by United States Postal Service to the following non-registered participant:

Ricky Patterson #B79037
Hill Correctional Center
600 South Linwood Road
PO Box 1700
Galesburg, IL 61402

Respectfully Submitted,

s/ Rachel Schwarzlose
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